

**IN THE U.S. DISTRICT COURT OF MARYLAND
FOR DISTRICT OF MARYLAND**

Sharn Chapman, et al.

*

*On behalf of themselves and
others similarly situated*

*

*

Plaintiffs

*

v.

Case No. AW-08-2545

*

Ourisman Chevrolet Co., Inc., et al.

*

Defendants

*

AFFIDAVIT OF CHARLES E. CARPENTER

I, Charles E. Carpenter, am over 18 years of age and competent to testify:

1. I am currently employed as an automobile salesperson at Ourisman Chevrolet Co., Inc. ("Ourisman"). I have been working for Ourisman since on or about April, 2002. Ourisman has a weekly pay period and pays all of its automobile salespersons (including me) on a straight commission basis.

2. During the above time period, I did not receive the minimum wage for many statutory work weeks, for the time I spent performing work for the Defendants. There are two types of minimum wage violations. During many pay periods I received commission income which was less than the statutory minimum wage based on the hours worked. During many other pay periods I did not receive any type of payment for the hours worked.

3. Throughout my employment there have been many weeks in which I received a commission payment that was less than the required minimum wage based upon the

number of hours that I worked. For example, I received weekly paychecks in the gross amounts of \$ 120.82 for the period from 7/15/07 – 7/21/07, \$ 112.50 for the period from 10/7/07 – 10/13/07, \$ 180.25 for the period from 10/14/07 – 10/20/07, \$ 143.94 for the period from 12/30/07 – 1/5/08, \$ 160.99 for the period from 2/3/08 – 2/9/08, and \$ 78.19 for the period from 3/23/08 – 3/29/08. I have attached true and correct copies of these paychecks as Exhibit 1.

4. I did not receive a weekly commission check during six different pay periods in December, 2007, January, 2008 and February, 2008, e.g., 12/9 -12/15, 12/16 –12/22, 1/13 – 1/19, 1/27 – 2/2, 2/10– 2-16, and 2/23 – 3/1. I worked many hours during each of the weeks. I also did not receive a monthly bonus check in January, 2008. I did receive monthly bonus checks for December, 2007 and February, 2008, but the net amount payable to me was for 0.00. I have attached true and correct copies of these checks as Exhibit 2. The company deducted \$ 608.91 for Accounts Receivable from the gross amount of \$707.21 leaving a net amount of \$ 98.19 before taxes in December, 2008, and deducted \$ 329.98 for Accounts Receivable from the gross amount of \$357.32 leaving a net amount of \$ 27.34 before taxes in January. Exhibit 2. The company regularly makes deductions for Accounts Receivable from the paychecks of its salespeople for monies owed by customers. In short, I was paid less than the statutory minimum wage during six weeks in December, 2007, January, 2008 and February, 2008.

5. There are many other current and former sales representatives who did not receive the required minimum wage for various statutory work weeks, for the time they spent performing work for the Defendants. I know this because I have spoken with many other salespersons about the manner in which we are compensated. Ourisman only pays

those sales representatives who have earned commissions based on their sales. Thus, I believe that Ourisman maintains a common policy or practice, which applies to all of the sales representatives, in which we are not paid unless we have earned a commission.

6. Ourisman knowingly requires sales representatives to underreport their actual hours of work. I have been repeatedly told by management that I cannot report my actual hours of work on my time sheets.

I swear and affirm under the penalties of perjury that the foregoing is true and correct based on my personal knowledge.

11-14-08
Date

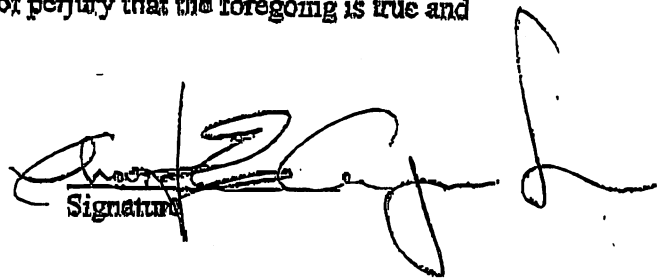

Signature



Exhibit 1

OURISMAN CHEVROLET CO., INC. 4400 BRANCH AVE. MARLOW HEIGHTS, MD. 20748 (301) 423-4000	EMPLOYEE NAME				SOCIAL SECURITY NO.		EMPLOYEE NO.		CHECK NO.	
	CHARLES EMANUEL CARPENTER				579-64-0048		0048		227744	
	DIVISION	DEPARTMENT			PERIOD BEGINNING		PERIOD ENDING		CHECK DATE	
	1	323			07/15/07		07/21/07		07/27/07	
EARNINGS/TAXABLE BENEFITS	HOURS	RATE	CURRENT	YEAR TO DATE	TAXES / DEDUCTIONS		CURRENT	YEAR TO DATE		

COMMISSION	40.00	120.82	13,196.03	FEDERAL S-1	0.00	1,507.43
VACATION		0.00	1,828.60	OASDI	4.05	861.90
TOTAL PAY	40.00	120.82	15,024.63	MEDICARE	0.94	201.57
				STATE-MD S-1	0.00	851.00
				W HOSP U/C	55.47	1,123.02
				SAVING & GAR	42.00	787.10
				A/R	0.00	2,925.05

NET PAY

18.36

6,767.56

OURISMAN CHEVROLET CO., INC. 1400 BRANCH AVE. MARLOW HEIGHTS, MD, 20718 (301) 423-4000	EMPLOYEE NAME				SOCIAL SECURITY NO.	EMPLOYEE NO.	CHECK NO.
	CHARLES EMANUEL CARPENTER				579-64-0048	0048	229929
	DIVISION	DEPARTMENT			PERIOD BEGINNING	PERIOD ENDING	CHECK DATE
	1	323			10/07/07	10/13/07	10/19/07
EARNINGS/TAXABLE BENEFITS	HOURS	RATE	CURRENT	YEAR TO DATE	TAXES / DEDUCTIONS	CURRENT	YEAR TO DATE

COMMISSION	40.00		112.50	22,294.11	FEDERAL S-1	0.00	2,468.75
VACATION			0.00	1,828.60	OASDI	3.53	1,384.71
TOTAL PAY	40.00		112.50	24,122.71	MEDICARE	0.82	323.84
					STATE-MD S-1	0.00	1,356.04
					W HOSP U/C	55.47	1,788.66
					SAVING & GAR	42.00	1,291.10
					A/R	0.00	3,927.04

NET PAY**10.68****11,582.57**

OURISMAN CHEVROLET CO., INC. 1400 BRANCH AVE. MARLOW HEIGHTS, MD. 20748 (301) 423-4000	EMPLOYEE NAME				SOCIAL SECURITY NO.	EMPLOYEE NO.	CHECK NO.
	CHARLES EMANUEL CARPENTER				0048	0048	232120
	DIVISION	DEPARTMENT			PERIOD BEGINNING	PERIOD ENDING	CHECK DATE
	1	323			12/30/07	01/05/08	01/11/08
EARNINGS/TAXABLE BENEFITS	HOURS	RATE	CURRENT	YEAR TO DATE	TAXES / DEDUCTIONS	CURRENT	YEAR TO DATE

COMMISSION	40.00		143.94	262.00	OASDI	5.30	8.99
TOTAL PAY	40.00		143.94	262.00	MEDICARE	1.24	2.10
					W HOSP U/C	58.47	116.94
					SAVING & GAR	42.00	84.00

NET PAY**36.93****49.97**

OURISMAN CHEVROLET CO., INC. 4400 BRANCH AVE, MARLOW HEIGHTS, MD. 20748 (801) 423-1000	EMPLOYEE NAME				SOCIAL SECURITY NO.	EMPLOYEE NO.	CHECK NO.
	CHARLES EMANUEL CARPENTER				0048	0048	233112
	DIVISION	DEPARTMENT			PERIOD BEGINNING	PERIOD ENDING	CHECK DATE
	1	323			02/03/08	02/09/08	02/15/08
	EARNINGS/TAXABLE BENEFITS	HOURS	RATE	CURRENT	YEAR TO DATE	TAXES / DEDUCTIONS	CURRENT

COMMISSION	40.00		160.99	4,480.13	FEDERAL S-1	0.00	529.37
TOTAL PAY	40.00		160.99	4,480.13	OASDI	6.35	252.39
					MEDICARE	1.49	59.03
					STATE-MD S-1	0.95	246.77
					W HOSP U/C	58.47	409.29
					SAVING & GAR	42.00	252.00
					A/R	0.00	608.91

NET PAY**51.73****2,122.37**



Ourisman
CHEVROLET CO., INC.

4400 BRANCH AVENUE, MARLOW HEIGHTS, MARYLAND 20748

65-7198
2550

234381

PAY **NO DOLLARS AND 00/100**

DATE

AMOUNT

TO THE
ORDER
OF

CHARLES EMANUEL CARPENTER
8310 BERNARD DRIVE
FORT WASHINGTON, MD 20744

04/04/08

\$0.00

OURISMAN CHEVROLET CO., INC.
VOID AFTER 180 DAYS

PROPERTY
RETURNED TO
ISSUER OF CHECK

CHEVY CHASE BANK
CHEVY CHASE, MARYLAND

NON-NEGOTIABLE

⑈ 234381 ⑈ ⑆ 25507198 ⑆ 5004360405 ⑈

OURISMAN CHEVROLET CO., INC. 4400 BRANCH AVE. MARLOW HEIGHTS, MD. 20748 (301) 423-4000	EMPLOYEE NAME				SOCIAL SECURITY NO.	EMPLOYEE NO.	CHECK NO.
	CHARLES EMANUEL CARPENTER				0048	0048	234381
	DIVISION	DEPARTMENT			PERIOD BEGINNING	PERIOD ENDING	CHECK DATE
	1	323			03/23/08	03/29/08	04/04/08
EARNINGS/TAXABLE BENEFITS	HOURS	RATE	CURRENT	YEAR TO DATE	TAXES / DEDUCTIONS	CURRENT	YEAR TO DATE

COMMISSION	40.00	78.19	10,522.36	FEDERAL S-1	0.00	1,324.25
TOTAL PAY	40.00	78.19	10,522.36	OASDI	1.22	601.63
				MEDICARE	0.28	140.70
				STATE-MD S-1	0.00	602.14
				W HOSP U/C	58.47	818.58
				SAVING & GAR	18.22	522.22
				A/R	0.00	1,519.77

NET PAY

0.00 4,993.07

Ourisman
CHEVROLET CO., INC.
4400 BRANCH AVENUE, MARLOW HEIGHTS, MARYLAND 20748

ALL-STATE LEGAL
PLAINTIFF'S
EXHIBIT
2

233692

PAY **NO DOLLARS AND 00/100**

DATE

AMOUNT

03/10/08

\$0.00

TO THE
ORDER
OF

CHARLES EMANUEL CARPENTER
8310 BERNARD DRIVE
FORT WASHINGTON, MD 20744

OURISMAN CHEVROLET CO., INC.
VOID AFTER 180 DAYS

SECURITY
FEATURES MAY
VARY BY STATE

CHEVY CHASE BANK
CHEVY CHASE, MARYLAND

NON-NEGOTIABLE

⑈ 233692 ⑈ ⑆ 255071981⑆ 5004360405⑈

OURISMAN CHEVROLET CO., INC. 4400 BRANCH AVE. MARLOW HEIGHTS, MD, 20748 (301) 423-4000	EMPLOYEE NAME			SOCIAL SECURITY NO.		EMPLOYEE NO.		CHECK NO.
	CHARLES EMANUEL CARPENTER			0048		0048		233692
	DIVISION	DEPARTMENT		PERIOD BEGINNING		PERIOD ENDING		CHECK DATE
	1	323		02/01/08		02/29/08		03/10/08
EARNINGS/TAXABLE BENEFITS	HOURS	RATE	CURRENT	YEAR TO DATE	TAXES / DEDUCTIONS	CURRENT	YEAR TO DATE	

COMMISSION
TOTAL PAY

0.00

357.32
357.32

6,667.21 FEDERAL S-1
6,667.21 OASDI
MEDICARE
STATE-MD S-1
A/R
W HOSP U/C
SAVING & GAR

0.00
22.16
5.18
0.00
329.98
0.00
0.00

750.5
377.1
88.2
355.9
938.8
584.7
378.0

Exhibit 2

NET PAY

0.00

3,193.75

COMMISSION		707.27	969.27 FEDERAL S-1	19.48	19.48
TOTAL PAY	0.00	707.27	969.27 OASDI	43.85	52.84
			MEDICARE	10.26	12.36
			STATE-MD S-1	24.77	24.77
			A/R	608.91	608.91
			W HOSP U/C	0.00	116.94
			SAVING & GAR	0.00	84.00

49.97